

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LOUISIANA HEALTH SERVICE & INDEMNITY
COMPANY D/B/A BLUE CROSS AND BLUE
SHIELD OF LOUISIANA, HMO LOUISIANA,
INC., and DAVID MITCHELL, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

CELGENE CORPORATION, BRISTOL MYERS
SQUIBB COMPANY, ANTHONY INSOGNA, and
JEROME ZELDIS,

Defendants.

Case No. 1:23-cv-07871

**PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL OF DEFENDANT
BRECKENRIDGE PHARMACEUTICALS, INC.**

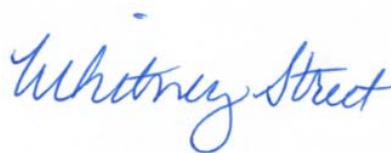
Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), the plaintiffs, Louisiana Health Service & Indemnity Company d/b/a Blue Cross and Blue Shield and HMO Louisiana, Inc., voluntarily dismiss all claims asserted against defendant Breckenridge Pharmaceuticals, Inc. (Breckenridge) in the above-captioned matter, without prejudice.

Rule 41(a)(1)(A) provides for voluntary dismissal of an action by a plaintiff. Should the plaintiff file a notice of dismissal before the service of an answer or motion for summary judgment by the opposing party, Fed. R. Civ. P. 41(a)(1)(A)(i) applies and allows dismissal without a court order. Breckenridge has neither answered the complaint nor filed a motion for summary judgment.

The plaintiffs voluntarily dismiss all claims against Breckenridge in the above-captioned matter, without prejudice.

Dated: December 19, 2023

Respectfully Submitted,



Whitney E. Street (N.Y. Bar No. 4521084)
Thomas M. Sobol (admitted *pro hac vice*)
Kristen A. Johnson (admitted *pro hac vice*)
Claudia Morera (admitted *pro hac vice*)
Sophia Weaver (*pro hac vice forthcoming*)
HAGENS BERMAN SOBOL SHAPIRO LLP
One Faneuil Hall Square, 5th Floor
Boston, MA 02109
Telephone: (617) 482-3700
Facsimile: (617) 482-3003
tom@hbsslaw.com
kristenj@hbsslaw.com
whitneyst@hbsslaw.com
claudiam@hbsslaw.com
sophiaw@hbsslaw.com

*Counsel for Louisiana Health Service &
Indemnity Company d/b/a/ Blue Cross and
Blue Shield of Louisiana, HMO Louisiana,
Inc., David Mitchell, and the proposed class
and subclasses*

James R. Dugan II (*pro hac vice forthcoming*)
David S. Scalia (*pro hac vice forthcoming*)
TerriAnne Benedetto (N.Y. Bar No. 4740700)
Glenn E. Mintzer (*pro hac vice forthcoming*)
THE DUGAN LAW FIRM, LLC
One Canal Place, Suite 1000
365 Canal Street
New Orleans, LA 70130
Telephone: (504) 648-0180
Facsimile: (504) 648-0181
jdugan@dugan-lawfirm.com
dscalia@dugan-lawfirm.com
tbenedetto@dugan-lawfirm.com
gmintzer@dugan-lawfirm.com

*Counsel for Louisiana Health Service &
Indemnity Company d/b/a/ Blue Cross and
Blue Shield of Louisiana, HMO Louisiana,*

Inc., the proposed class, and the third party payor subclass

John Radice (*pro hac vice*)
Kenneth Pickle (*pro hac vice*)
RADICE LAW FIRM, P.C.
475 Wall Street
Princeton, NJ 08540
Telephone: (646) 245-8502
Facsimile: (609) 385-0745
jradice@radicelawfirm.com
kpickle@radicelawfirm.com

Counsel for David Mitchell, the proposed class, and the consumer subclass

Richard Sherburne, Jr.
Jessica W. Chapman
Douglas M. Chapoton
Erica S. Aguillard
5525 Reitz Avenue (70809)
Post Office Box 98029
Baton Rouge, Louisiana 70898-9029
Telephone: (225) 298-1666
Facsimile: (225) 297-2760
Richard.Sherburne@bcbsla.com
Jessica.Chapman@bcbsla.com
Douglas.Chapoton@bcbsla.com
Erica.Aguillard@bcbsla.com

Counsel for Louisiana Health Service & Indemnity Company d/b/a/ Blue Cross and Blue Shield of Louisiana, HMO Louisiana, Inc.

SO ORDERED.



Edgardo Ramos, U.S.D.J.

Dated: December 20, 2023

New York, New York

CERTIFICATE OF SERVICE

I, Whitney E. Street, certify that, on this date, the foregoing document was filed electronically via the Court's CM/ECF system, which will send notice of the filing to all counsel of record, and parties may access the filing through the Court's system.

Dated: December 19, 2022

/s/Whitney E. Street
Whitney E. Street